



General Assembly

January Session, 2009

Raised Bill No. 6590

LCO No. 3656

03656_____PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING STANDARDS OF REVIEW BY INLAND WETLANDS AGENCIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 22a-41 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2009*):

4 (b) (1) In the case of an application [which] that received a public
5 hearing pursuant to (A) subsection (k) of section 22a-39, or (B) a
6 finding by the inland wetlands agency that the proposed activity may
7 have a significant impact on wetlands or watercourses, a permit shall
8 not be issued unless the commissioner finds on the basis of the record
9 that a feasible and prudent alternative does not exist. In making his
10 finding, the commissioner shall consider the facts and circumstances
11 set forth in subsection (a) of this section. The finding and the reasons
12 therefor shall be stated on the record in writing.

13 (2) In the case of an application [which] that is denied on the basis of
14 a finding that there may be feasible and prudent alternatives to the
15 proposed regulated activity [which] that have less adverse impact on

16 wetlands or watercourses, the commissioner or the inland wetlands
17 agency, as the case may be, shall propose on the record in writing the
18 types of alternatives [which] that the applicant may investigate
19 provided this subdivision shall not be construed to shift the burden
20 from the applicant to prove that he is entitled to the permit or to
21 present alternatives to the proposed regulated activity.

22 (3) In the case of an application that proposes a regulated activity on
23 the same property for which the commissioner or the inland wetlands
24 agency, as the case may be, has previously denied an application for a
25 regulated activity permit, the commissioner or inland wetlands agency
26 shall consider such application de novo, and the previously denied
27 application shall not be considered a feasible and prudent alternative
28 to the application currently under review.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	22a-41(b)

Statement of Purpose:

To provide that an inland wetlands agency must consider each application for a regulated activity permit de novo.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]